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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 ORACLE USA, INC., *et al.*,

12 Plaintiffs,

13 v.

14 SAP AG, *et al.*,

Defendants.

Case No. 07-CV-01658 PJH (EDL)

[REVISED PROPOSED] JUDGMENT

Judge: Hon. Phyllis J. Hamilton

15 Trial commenced in this matter on November 1, 2010. Pursuant to the jury's verdict on
16 November 23, 2010 (Dkt. No. 1004), Amended Trial Stipulation and Order No. 1 Regarding
17 Liability, Dismissal of Claims, Preservation of Defenses, and Objections to Evidence at Trial
18 (Dkt. No. 965), and Additional Trial Stipulation and Order Regarding Claims for Damages and
19 Attorneys Fees (Under Seal at Dkt. No. 969), IT IS HEREBY ADJUDGED AND ORDERED
20 that:

- 21 (1) JUDGMENT is entered against Defendants SAP AG, SAP America, Inc., and
22 TomorrowNow, Inc. ("Defendants") on Plaintiff Oracle International
23 Corporation's claim for copyright infringement, and Plaintiff Oracle
24 International Corporation shall recover from Defendants, jointly and
25 severally, (a) the amount of \$1.3 billion (\$1,300,000,000); and
26 (b) prejudgment interest in the amount of \$211,662,935.
- 27 (2) The parties have stipulated and the Court has so ordered that Defendants shall
28 pay (and have paid) Plaintiffs Oracle USA, Inc., Oracle International

Corporation, and Siebel Systems, Inc. (collectively, “Oracle” or “Plaintiffs”) \$120 million (\$120,000,000) for Oracle’s past and future reasonable attorneys fees and costs (including investigative costs) associated with Oracle’s investigation and prosecution of its claims in this case.

(3) JUDGMENT is entered in favor of Oracle against Defendant TomorrowNow, Inc. on all liability for all claims, including for violations of 18 U.S.C. §§ 1030(a)(2)(C), (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the Federal Computer Fraud and Abuse Act) and California Penal Code §§ 502(c)(2), (c)(3), (c)(6) and (c)(7) (California’s Computer Data Access and Fraud Act), breach of contract, intentional interference, negligent interference, unfair competition, trespass to chattels, unjust enrichment/restitution, and for an accounting, without separate monetary damages or monetary relief, including punitive damages, by way of these claims.

(4) Pursuant to 17 U.S.C. § 503, within 30 days of final of entry of judgment, Defendants, at their own expense, shall make such disposition as Oracle requests of all of Defendants’ infringing materials, including all of Oracle’s confidential, proprietary, and copyrighted software and support materials and any derivative works or other partial or modified components of any Oracle Registered Work, based in or containing in whole or in part Oracle’s copyrighted materials. Defendants shall certify in writing within 10 calendar days of completion of such disposition that it is full and complete. Oracle shall have the right to physically monitor and attend the disposition in person with any representatives it may choose.

DATED: December ____, 2010

By: _____
Hon. Phyllis J. Hamilton
United States District Court Judge